



ACUPUNCTURE BOARD  
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(Approved March 12, 2002)

## ACUPUNCTURE BOARD MEETING MINUTES

November 28, 2001  
 Sportsmen's Lodge  
 12825 Ventura Blvd.  
 Studio City, Ca. 91604

### Full Board Meeting November 28, 2001

#### MEMBERS PRESENT

Shari Asplund, Chair  
 Howard Moffet, Vice Chair, L.Ac.  
 Gary Klapman, M.D., L.Ac.  
 Michael Eng  
 Min M. Chang  
 Pei-Li Zhong-Fong, L.Ac.  
 Justin Tin, DDS  
 Joan C. Chang, L.Ac.

#### STAFF PRESENT

Marilyn Nielsen, Executive Officer  
 Don Chang, Legal Counsel  
 Janelle Wedge, Administrative Coordinator  
 Nancy Molinar, Education Coordinator  
 Christie Dohring, Examination Coordinator  
 Robin Saenz, Education Technician  
 Helen Gathercole, Administrative Technician

#### MEMBERS ABSENT

#### GUEST LIST ON FILE

#### 1. Call to Order and Establishment of a Quorum

Chair Shari Asplund called the Acupuncture Board meeting to order at approximately 8:45 a.m. Roll was taken and a quorum established.

#### 2. **CLOSED SESSION:** Pursuant to Government Code Section 11126 (c)(1) and (c)(3) to discuss/take action on examination administration and disciplinary actions.

#### 3. Administrative Business – (Discussion/Action)

##### a) Acupuncture and Addiction Treatment Issues

Michael Smith, M.D. from Lincoln Hospital in New York, founder of the Detox Association, and Lianne Audette, L.Ac., testified before the Board about acupuncture and addiction treatment programs. Dr. Smith briefly explained how he became involved in acupuncture and drug and alcohol programs, and was encouraged to find how effective the results of the treatment were. He indicated that the Federal Government published a book titled "Tips" based on standard practice of treatment in the drug and alcohol field. Other states are mandating the implementation of this treatment to patients and it is being implemented as well in other countries. Dr. Smith reports that acupuncture is widely used by drug/alcohol program staff under the supervision of a licensed acupuncturist where the law does not require an acupuncturist to do the procedure. As a professional, due to the problems most detoxification centers have faced in serving an adequate number of licensed acupuncturists, Dr. Smith supports the delegation to an unlicensed individual (assistant) with supervision by a licensed practitioner. Use of assistants increases productivity and this allows the profession to advance. Ms. Audette indicated in her detox programs before being regulated, she enlisted student volunteers from acupuncture schools and they received good training. She indicated as the volunteer pool began to diminish students have lost an avenue to learn the merits of public health, addiction, addicts and the

rewards in this field. Ms. Audette suggests that changes need to be made to elevate acupuncturists to give them the authority to supervise others. Mr. Eng questioned if a school was part of such a clinical internship, could they work under a L.Ac. to perform such treatments. Ms. Nielsen indicated yes, Board approved school's direction and supervision.

**Public Comment:**

Brian Fennen, CAOMA, indicated legislation had been introduced and defeated in California to address these issues and allow for detox assistants. The legislature wanted the professional organization, schools and practitioners to get more involved to help address solutions to eliminate the issues of a shortage of help. With California having nearly 7,000 licensees, there is no shortage of licensed acupuncturists to provide addiction care in our state as compared to other states that only have a few hundred licensees. The schools do have detox protocol in their educational programs and if schools could participate in an internship it would be helpful. Neal Miller, L.Ac., suggested this could be used as part of enforcement, that it would do the public a better service by appointing people to public service -vs- fining and suspend licenses.

**Sunset Review – Joint Legislative Sunset Review Committee**

Ms. Nielsen reported that the Joint Legislative Sunset Review Committee would be holding hearings December 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup>, at the Capitol in Sacramento. The Chair and the Executive Officer should be present to make a brief presentation and discuss the issues raised by the JLSRC. The JLSRC's preliminary staff recommendation is being released by November 26<sup>th</sup>. The Board has an opportunity to respond, within thirty days from the date of the hearing, to any issues, questions or recommendations. Ms. Nielsen indicated the hearing will be televised and videotapes will be available from the Senate TV and Video Services.

**b) 2001/2003 BCP's – OA, Chinese Translator and OT, Enforcement**

Ms. Nielsen updated the Board on the status of the two BCP filed for Fiscal Year 2002/2003. She reported the BCP augmenting the office assistant, position (translator) was approved by the Department of Finance (DOF), but DOF denied the BCP augmenting the office technician (enforcement) position. She also explained the Governor has ordered an active state-wide hiring freeze until 2003.

**4. Chair's Report – Shari Asplund**

Ms. Asplund in her closing comments as 2001 Board Chair, reported that it was a busy and productive year with the forming of the Competencies Task force, and indicated she appreciated the new members that joined the Board this year. Ms. Asplund reported the Board recently held its annual strategic planning meeting in Monterey and developed a good plan for the upcoming years. The Board's goals are to promote consumer safety and to ensure the quality of the educational programs. She thanked the staff and legal counsel for their assistance throughout the year and valued the opportunity to serve as Board Chair.

**5. Executive Officer's Report – Marilyn Nielsen**

Ms. Nielsen reported that the Acupuncture Board now has its own website which is independent from the Department of Consumer Affairs' website. The site address is [www.acupuncture.ca.gov](http://www.acupuncture.ca.gov). Ms. Nielsen indicated the Korean and Chinese Exam Candidate Preparation-guide stated in error that would be two hundred and fifty questions and the exam timeframe was five and a half-hours for the January 23, 2002 exam. It should have stated two hundred questions and five-hour testing time. OER is sending out a notice to all exam candidates taking the exam in Korean and Chinese of the correct information.

**6. Approval of May 21-22, 2001 Meeting Minutes**

It was suggested to incorporate some minor grammatical changes to the minutes and then approving.

**MICHAEL ENG MOVED AND HOWARD MOFFET SECONDED  
TO APPROVE MAY 21-22, 2001 MEETING MINUTES AS AMENDED  
MOTION PASSED UNANIMOUSLY**

**7. Approval of August 20-21, 2001 Meeting Minutes**

Mr. Eng requested his name be added as attending both full Board meetings and committee meetings, to add the L.Ac. behind Joan Chang's name, and to incorporate minor grammatical changes to the minutes.

**PEI LI ZHONG-FONG MOVED AND MICHAEL ENG  
SECONDED TO ADOPT THE AUGUST 20-21, 2001  
MEETING MINUTES AS AMENDED  
MOTION PASSED UNANIMOUSLY**

**8. SPECIAL ORDER OF BUSINESS AT 11:00 A.M.– REGULATORY HEARING (D. Chang):**

**Amend Title 16, California Code of Regulation (CCR), Section 1399.456**

Mr. Chang reported this hearing is to consider proposed changes to CCR Section 1399.456 as outlined in the public notice. At this time the hearing will be opened for all testimonies and/or documentary evidence by any person interested in these regulations for the record, which is being made by tape recorder. If any interested person desired to provide oral testimony, it would be appreciated if he or she stand or come forward, give his or her their name and address and if he or she represents an organization and the name of that organization so we may have a record of those that appear. Remember it is not necessary to repeat previous testimony, simply state you agree with the previous speaker. Written testimony can be summarized, but should not read. Please comment only on the regulation on the discussion. If you have a question on a proposed regulation, please rephrase your question as a comment. For example, instead of asking what a particular subdivision means, you should state the language is unfair and why. This will give the Board the opportunity to address your comments when the final Boards' discussion of the proposed regulations and comments takes place. Please keep in mind this is a public forum to receive comments on the proposed regulation and it is not intended to be a forum for debate or defense of the regulations. After all witnesses have testified, the testimony phase of the hearing will be closed. The Board will then consider the appropriate action to be taken on the proposed regulatory changes. Are there any questions on the nature of the proceedings and the procedures to follow the period before we begin, if not we will proceed. The proposal before the Board today is to amend Section 1399.456. Under existing law, it is unprofessional conduct to use a term such as Doctor of Oriental Medicine or O.M.D in connection with the practice of acupuncture unless the acupuncturist has an earned doctorate degree of acupuncture oriental medicine from a school approved by the California Bureau of Private Postsecondary and Vocational Education (BPPVE). This regulatory proposal would amend Section 1399.456, to allow an acupuncturist to use the title Doctor of Oriental Medicine or O.M.D. if he possesses a doctorate degree in acupuncture or oriental medicine from a school approved by BPPVE or from an institution located outside the state that is approved by the appropriate governmental educational authority using standards equivalent by those used by BPPVE. At this time, is there any public comment on the proposal?

**PUBLIC COMMENT:** Chris Macie, I am representing myself, I am a licensed acupuncturist of the State of California ..... With respect for this, I have concerns that the definition that this work out in detail remains to be done in terms of equivalence in what means doctorate in terms of an education in a foreign country for instance, in China. I understand education is quite extensive and quite clinically extensive. I don't believe that is the same as a doctorate in western.... in American since or to be assumed that it is. For instance my wife is a dentist from China, she is a dental surgeon, wants to practice that profession here, she has to go through two stages of national exams, either are which are several times more difficult than the acupuncture exams. She has to go two years to a university at \$50,000 dollars a year and she has to pass a two part national dental exam. The other aspect what I wanted to say is that the enforcement issues..... working out the details, what this means, doctorate, what equivalent means. I would hope there is this kind of concession, making it much easier for people to use doctorate title in the United State for instance, dentists, there would be definition and enforcement along with this. We have seen this problem ever since I got my license ten years ago. I wonder, I'm curious, every year I get my notice from the Acupuncture Board and on the very top it said the law the way it was originally, unprofessional conduct to use M.D. so on and so forth. And every year, every yellow page in the Acupuncture section in every part for instance the bay area, has numerous examples of violations of this, M.D., China, O.M.D. People I know and some people I know I have told them about this and some people have adjusted and other people and go right ahead and say and I have a right to do this. So enforcement..... details in this issues, or else it will become, my fears, will become worst than it is now. Misrepresentation will become more rampant than it is right now, this hurts us professionally. More seriously actually, is, I'm sure, most of us are aware of this, the American Globe University formally in Idaho, renamed and now called the Liberty University in the State of Montana is a Ph.D. mill. This was written up in

the US News World Report in October. Generically, about these Ph.D.'s fraudulent Ph.D.'s programs and their being squeezed out of South Dakota, they changed their name to go to Montana. How does that relate to us, to my knowledge, there are roughly a hundred acupuncturist in California now with these degrees and they are parading they have Ph.D.'s. I have received two notices advertising CEU seminars that advertise Ph.D., American Globe University. I have noticed, in and... I won't name names, ...with some effort in part, we can clear this up, but also professional organizations list board of directors with Ph.D., Ph.D., Ph.D. and this is clearly not a Ph.D. and clearly a bogus program, a weekend a month for a year is clearly a fraudulent program, the BPPVE has not allowed it, the people that own it run this stuff in Montana, Montana is the only state still allows it, but the attorney general in Montana is about to crack down on it because the only place left with...of these programs there. Is this Ph.D. a medical doctorate or a clinical doctorate? A Ph.D. is much more serious in my mind in the Western American tradition than a clinical doctorate. Ph.D. is the highest level in countries in Europe it's a real high social status. Doctor of philosophy, research, you work for years, I have patients become ill because they have been working on doctorate for six or seven years. I think you get my point and I think most of us are aware of this and I think something should be done about this. And I hope the Board thinks about...because its, as it says in an article in US News World Report,.. most students know what they are doing and will see they can get away with it. And if it goes on maybe it can be considered to Grandfathered in. But it's a problem for the profession and I think it's a very serious problem for the image for the profession, thank you. **Tom Haines, Pacific College of Oriental Medicine**, I'm concerned that the approved and authorized language is in there in terms...Educational Institutions, that's my first concern. It seems to me that we should only have credited institutions outside the State of California. I know the State of California has an approval process that is not addressed in this particular legislation. The concern of someone coming from New Mexico and calling themselves doctor, because it is in their licensing title and authorized, and in fact, Hawaii has a Doctorate of Acupuncture in their license title and I believe Rhode Island now has Doctorate of Acupuncture. This going to be a real concern as our doctorate programs come aboard not only in the State of California but all the states credited institutions. I would agree with former speaker that we really need to have an approval list from the Acupuncture Board. I play golf, and if you want to play professional golf and you want to use certain golf ball, you go to the list and here are the balls you can use, the same kind of concept. If your going to use the doctorate title the tile of doctor in California you should have a list to go to and say, is this an approved institution? And if it's not, that institution should have a formal process for getting on the list, so to speak, otherwise your going to have people from China from all kinds of places and that will be using the title doctor, and that is one issue. The other issue is that we call ourselves doctors a lot, as L.Ac.s and hopefully we will get to the point that we will have a doctorate in this profession that is credited and won't have this issue, thank you. **Brian Fennen, L.Ac., AAOM/CAOMA**, I personally think this looks fairly good and is fairly consistent with what our goals are for our profession to have the title of Doctor of Oriental Medicine and should be legitimate, weather it be issued by a state or issued by a credited institution or authorized institution approved. In general this looks pretty good, I think, bottom underline problem here addressed was, to tell someone they cannot use something they have....I have a question actually, wasn't it based on freedom if speech? Don Chang replied, equal protection issue. Brian Fennen continued. Because of that, you really do have to change this. I think there's not much choice, just that there is a need to tweak the language for any particular reason and I personally can't see any reason to tweak it any further all though someone else may have some comment about that and we support this in general. **Neal Miller, L.Ac.**, representing myself. I think there are....I would like to comment on the previous speaker comments, there were good points on both sides of the issue, there are schools handing out Ph.D., that I don't think are qualified, I think you should be aware of that, don't want to have people less than qualified running around calling themselves doctors. However, there are number of programs, certainly the programs that are in China, where people do graduate and are considered doctors. They are called doctors, I think some of the Board members may have those titles and no longer display, but they used to. And I think there should be an amount of respect for those. There are people graduated from a program from one of the schools here with an O.M.D. program and some are from China. Like a grandchild of someone from China that graduating people from an O.M.D. program more than forty years. And getting disrespect from the grandchild to the grandparents, its like saying, we recognize the grandchild but don't recognize the grandparent. So I hope to have a discriminating nature and I don't know how to resolve the problem for you. And... discriminating nature between the school or particular state or particular school or institution that is putting out bogus degrees and finding out a vehicle for giving recognition for those schools that do put out legitimate degrees. And as our profession evolves and new degree granted programs come about, whether doctorate program or its a professional degree doctorate program that's to be handled in a political arena. But for this Board, hope that you will figure out a method for sifting through those schools that are legitimate, go through a approval process and individually review those schools that do apply or have a process of how to apply that could be recognized, and that their graduates be respected and recognized. **Jiang Fu Jiang, China International Medical University**, I have an article and comments...faxed to Sacramento and Sacramento to here, so it not clear, but I'm not going to read it, just...briefly.. It is universal accepted that the best education of China is mainland China. Major universities have acknowledged the higher level academic accomplishments than those graduates who get the O.M.D. degree from California. I know somebody with O.M.D degree from Samra,

many years ago, and their knowledge very poor, they don't even know how to treat a common cold. So we from the mainland China medical universities has a much higher academic level as a result we are invited to ..... not allowed to use the title O.M.D. Of course, every country has the right to establish it's own policy, but Chinese medicine is a medical science imported from China. The major university of Chinese medicine is almost fifty years old and the reason is not allowed to use O.M.D. is that our alma.... University mainland Chinese medicine schools not approved by California, state of California. This reason is ridiculous , because when the university of Chinese medicine in China, acupuncture profession in the United States was not born yet. How can the grandchild deny the birth of the grandfather. This is preposterous. Moreover, many well known acupuncturist in California, like ...Bensky and others that wrote these books,..... for reference books..... California books and these books are mainly translations from these text books used in mainland China. These text books were all written by the .....of the transmitting of mainland China. How....the legal measures are enforced in California are contradictory to the point of..... there is no way to explain how to teachers with the title O.M.D could help students earn the title O.M.D. The situation.... by putting the cart before the horse, moreover, this is disrespectful to the teachers from China. So this must be rectified, all the people of California will suffer the most. Thank you. **Steve Given, from the CCAOM and Bastyr University, Seattle, Washington,** I would like to thank you for the opportunity to speak on the subject. I'm going basically to agree very strongly with the first two speakers and I'm going to suggest, while I agree with Dr.Jiang, that many of our finest teachers come from China. I do want to point out there are other foreign countries that have essentially become Ph.D. mills similar to American Liberty University and that I have some of my foreign students that have started to display the Ph.D. from some of these other locations. So I think, I hope that the Board will look very carefully at these other foreign degrees to determine whether or not they represent the body of work commensurable with a doctorate. **Penelope Ward, Accreditation Commission for Acupuncture & Oriental Medicine,** I also would like to also agree with the earlier first and second speakers and with Steve Given. And point out one of the things I believe the Board will need to be very careful of in terms of wording and how it was defined. Is that we don't just say that you come from China. I do recognize that the universities in China and the education that the people come out with is different than the education out of schools in United States this time. However, China does not have a degree called an O.M.D. so you don't want to be giving an approval that foreigners can make up degree titles. Differences somebody from China has doctorate degree, and they do have doctorate degrees now from China. Then I would support that they would be able to use that title in the United State. But if they don't have a title of O.M.D, so are we saying, Taiwan or China can suddenly call themselves O.M.D. when they don't have that degree. And I think we need to be careful with this or we are opening the door of saying people from other countries can make up whatever title they like or call themselves O.M.D.'s when they don't actually have that degree. That type of O.M.D. was a degree title used mainly by schools in California in the 80's when there was a period when schools had authorized degrees and some other schools in the United States. That our government approved schools in Korea, which I believe, do issue their degree's an O.M.D. or when translated in English would be Oriental Medical Doctor. But China never used that degree, so these issues, but if we are going to be a profession and I believe we are becoming a growing as a profession, we need to be very careful that our titles are not undermined. This concludes the public testimony of the **Special Order of Business-Regulatory Hearing, Amend Title 16, California Code of Regulations, Section 1399.456.**

## **9. Administrative Business -(Discussion/Action)**

### **a. Proposed Regulatory Amendment to Title 16, California Code of Regulations, Section 1399.456, from Public Hearing Agenda Item 8 (Above)**

The Board Members held an open discussion in which they expressed their concerns with the effect the proposed amendment would have on the public and licensed acupuncturists, and allowing the acupuncturist to obtain a doctorate degree from an accredited authorized institution outside of California to use the O.M.D. title. Mr. Chang explained the use of the title abbreviations O.M.D. and the process of enforcement and earned doctorate degree. Ms. Nielsen reported that the staff follows the procedure to enforce these issues through complaints that have been submitted. And even with continuous reinforcing and random auditing of this issue, acupuncturist do not all comply. The Board suggested increasing the staffing to justify this enforcement issue, Ms. Nielsen indicated the process would have to go through a full approval process to justify the expense. Ms. Nielsen indicated most of the complaints reported are by other licensed acupuncturists, and few from the public. The Board members expressed concerns with lawsuits in regards to the law as the current language states, and suggested making modifications to clarify.

**MICHAEL ENG MOVED PEI LI ZHONG-FONG SECONDED TO  
ADOPT THE PROPOSED REGULATORY AMENDMENT TO TITLE 16,  
CALIFORNIA CODE OF REGULATIONS, SECTION 1399.456  
MOTION PASSED UNANIMOUSLY**

## **10. Examination Business (Discussion/Action)**

### **a. Language of Acupuncture Licensing Examination**

Ms. Asplund indicated that Dr. Hertz provided expert opinion in documentation and was available at the last Board meeting. The information provided reflected experts in testing and the adapting process were divided. The Board will continue to review and evaluate this issue and continue to give consideration to Dr. Hertz's concerns and recommendations. The Board in the meantime will continue to administer the licensing exam in English, Korean and Chinese. Ms. Asplund concluded, if or when it is appropriate, the Board will allow adequate implementation time for the schools to prepare for the changes.

**Public Comment:** Brian Fennen, reported that he attended a meeting with DCA and DCA questioned that it might take as much as five times the cost to continue to have the exam adapted in Korean and Chinese and asked whether the candidate would be willing to pay this. The profession does support the multiple languages in the examination. Mr. Fennen questioned a legal issue regarding whether patient's medical records are required to be in English.

### **b. 2001 Occupational Analysis/Validation Report**

Copies of the 2001 Occupational Analysis Validation Report were released to the Board members to review for next Board meeting. It will be discussed and adopted at that time in closed session.

## **11. Education Business (Discussion/Action)**

### **a. Pending and New School Approvals**

#### **1. National College of Naturopathic Medicine, Portland, Oregon**

Dr. Khalsa, M.D., Dean of Academic Affairs, Andrea Smith, Dean of CCM Programs and Laurie McGrath, Accreditation Specialists, appeared before the Board representing the National College of Naturopathic Medicine (NCNM). Ms. Nielsen reported that in August an extensive site visit was conducted of NCNM's campus, administration, the Classic Chinese Medicine (CCM) Program curriculum, and academic clinics. The school was impressive with a quality administration, curriculum, faculty, was financially solvent and has dedicated students. Ms. Nielsen recommended the Board grant full approval to NCNM's CCM program offering a Master of Science in Oriental Medicine (MSOM) degree. Ms. Zhong-Fong questioned which courses are overlapping between the Naturopathic and CCM programs and expressed concerns that the dual tract students are double dipping. Ms. Smith explained that the dual degree tract students apply the western science class hours to both programs, however the CCM didactic and clinical training are totally separate. Ms. Smith will provide the Board with a comparison report of both tracts.

**PEI LI ZHONG-FONG MOVED AND SHARI ASPLUND SECONDED  
TO GRANT NATIONAL COLLEGE OF NATUROPATHIC  
MEDICINE'S CLASSICAL CHINESE MEDICINE PROGRAM  
OFFERING A MASTER OF SCIENCE IN ORIENTAL MEDICINE  
(MSOM) DEGREE FULL APPROVAL  
MOTION PASSED UNANIMOUSLY**

#### **2. Southern California University of Health Sciences, Whittier, CA.**

Dr. Reed Phillips, DC, Ph.D., President, Gary Schultz, DC, DACBR, Dean of Academic Affairs and Wen Shuo Wuo, L.Ac., Associate Dean appeared before the Board representing the Southern California University of Health Sciences (SCUHS), in Whittier, California. Ms. Nielsen reported, a three member, three day comprehensive site visit was conducted at SCUHS College of Acupuncture and Oriental Medicine (CAOM), offering a Master of Acupuncture and Oriental Medicine Degree (MAOM). SCUHS has met and exceeded the requirements of the Board and Ms. Nielsen recommended that the Board grant full approval. SCUHS has been effective in integrating the CAOM program, faculty and curriculum into the existing Los Angeles College of Chiropractic (LACC) campus environment. Basic science courses are applicable to both the LACC and CAOM students, but only CAOM or dual degree tract students take the TCM didactic and clinical training

**MICHAEL ENG MOVED AND MIN CHANG SECONDED TO**

**GRANT FULL APPROVAL TO SOUTHERN CALIFORNIA  
UNIVERSITY OF HEALTH SCIENCES COLLEGE OF  
ACUPUNCTURE AND ORIENTAL MEDICINE OFFERING  
A MASTER OF ACUPUNCTURE AND ORIENTAL MEDICINE  
(MAOM) DEGREE  
MOTION PASSED UNANIMOUSLY**

**3. University of East West Medicine, Sunnyvale, CA.**

Ying Wang, L.Ac., President and Christopher Macie, L.Ac., Board Member and Academic Dean, Jerry Wang, Director of Administration Affairs, appeared before the Board representing the University of East West Medicine (UEWM) in Sunnyvale, California. The Board questioned why the “ownership” was reflected on the schools organization chart and asked for an explanation of the administrative structure of the school. UEWM clarified that decisions are made through the Board of Directors and that the box didn’t even need to be shown. Ms. Nielsen indicated UEWM has worked hard to come to a place of compliance, the administrative structure is appropriately reflected and UEWM is compliance with established policies and procedures and ready for approval.

**MICHAEL ENG MOVED AND HOWARD MOFFET SECONDED  
TO GRANT FULL APPROVAL TO THE UNIVERSITY OF EAST  
WEST MEDICINE’S MASTER OF TRADITIONAL CHINESE  
MEDICINE PROGRAM  
MOTION PASSED UNANIMOUSLY**

**4. Southern California University of Acupuncture and Oriental Medicine (SCU),  
Los Angeles, CA.**

Han Kim, Administrative Dean, appeared before the Board representing SCU. Ms. Nielsen reported in May 2001 the Board extended SCU a 12-month conditional approval and required a 6-month clinic revisit. The clinic visit will be conducted within the next couple of months and the report will be presented at the March 2002 Board Meeting.

**b. Report/Recommendations – November 27 Competencies Task Force Meeting**

Dr. Klapman reported the third Competencies Task Force meeting was held on November 27. Competencies have been identified and the Task Force is currently working on assigning hours. When the Task Force has completed its assignment, a written document of recommendations will be presented to the Board. Ms. Nielsen recommended that Dr. Klapman continue to serve as Chair of the Task Force even though his term on the Board is ending.

**MICHAEL ENG MOVED AND PEI LI ZHONG-FONG SECONDED  
THAT GARY KLAPMAN REMAIN AS CHAIR OF THE COMPETENCIES  
TASK FORCE  
MOTION PASSED UNANIMOUSLY**

**Public Comment:** Natalia Egorov commented that as a student she had concerns about the Task Force recommendations and how is this going to be implemented and monitored. Ms. Egorov suggested enhancing Qigong competencies and the Qigong work group would be supportive. Neal Miller indicated that at the last meeting some members did not attend, and suggest that the Chair would replace them with members who would be active.

**c. School Application/Approval Process**

Ms. Nielsen reported that the Board has received documents from BPPVE and ACAOM regarding their processes for consideration. Due to time restriction at this meeting, this issue will be brought back to the Board at a later meeting.

**Public Comment:** Brian Fennen suggested also considering addressing the issues of removal of school approvals.

## **12. Enforcement Business (Discussion/Action)**

### **a. Standard for Consumer Complaint Disclosure**

Ms. Nielsen indicated that the Department of Consumer Affairs' policy regarding consumer complaint disclosure is being evaluated and reviewed. The Department has held several public hearings regarding complaint disclosures in addition to meeting with the boards. The Department's report on its findings and recommendation is due to the Legislature by the end of the year. There is a general consensus among the boards and department to implement a policy to grant the authority to the boards or bureaus to establish their own policy. Therefore each board would be responsible to write regulations specific to their profession. The Acupuncture Board prepared to implement methods for meeting the increasing public demand for information. Mr. Eng had concerns why each board has an individual complaint disclosure and not a consistent regulation. Ms. Nielsen indicated that it is to the discretion of each board currently, depending on the issue and profession. Mr. Chang recommended that the Board review the report when it has been released and at that time make any decisions and recommendations. Ms. Nielsen reported that she concurred with Mr. Chang that the Board could adopt this policy or establish its own.

**Public Comment:** Brian Fennen had concerns about the hearings and that the profession was not invited or involved. Mr. Fennen stated the issues that have been addressed in this meeting has brought about several questions and questions by his profession in regards to the standards, protocol, and confidentiality of the complainant.

## **13. Presentation of Recognition Award**

### **a. Board Member: Gary Klapman, M.D., L.Ac.**

Ms. Asplund presented Gary Klapman a plaque in recognition and appreciation for his continuous dedication and professional service he has provided to the Board. Mr. Klapman thanked the Board and indicated it has been a pleasure working together with members and the Task Force as well.

## **14. Set 2002 Acupuncture Board Meeting Dates and Locations**

The Board selected the 2002 Board meetings dates as follows: March 12 and 13 in Sacramento area, June 24 and 25 in the Los Angeles area, September 25 and 26 in the San Francisco area and November 18 and 19 in the Los Angeles area.

## **15. Election of Officers for 2002**

Joan Chang nominated Pei Li Zhong-Fong as 2002 Chair to the Acupuncture Board.

**JOAN CHANG MOVED, MIN CHANG SECONDED THE MOTION  
TO NOMINATE PEI LI ZHONG-FONG AS THE BOARD CHAIR FOR 2002  
MOTION PASSED UNANIMOUSLY**

Min Chang nominated Michael Eng as Vice-Chair to the Board.

**MIN CHANG MOVED, PEI LI ZHONG-FONG SECONDED THE MOTION  
TO NOMINATE MICHAEL ENG AS THE BOARD VICE-CHAIR FOR 2002  
MOTION PASSED UNANIMOUSLY**

Mr. Eng thanked everyone, as it was an honor to be nominated and wanted to thank the outgoing chair, Shari Asplund and Vice Chair, Howard Moffet who have provided good leadership examples to follow.

## **16. Public Comment Period:**

There was no public comment.

## **17. Adjournment**

The Acupuncture Board Meeting adjourned at approximately 5:00 p.m.